



PATENT  
2021906-7036502001  
(21906-0703)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Peter Phaal

Serial No.: 09/850,202

Filed: May 7, 2001

For: **TRAFFIC DRIVEN SCHEDULING  
OF ACTIVE TESTS**

) Confirmation: 9730  
)  
) Group Art Unit: 2141  
)  
) Examiner: Lien, Tan  
)  
)  
)  
)  
)

TRANSMITTAL

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for the above-identified application are the following:

- ☒ Notice of Appeal with Authorization to charge fees (3 pages);  
*Small Entity Fee of \$250.00 and Extension Fee of \$60.00*
- ☒ Appeal Brief (15 pages); *in triplicate form*  
*Small Entity Fee of \$250.00*
- ☒ Transmittal with certificate of Mailing (1 page); and
- ☒ Return receipt postcard.

Respectfully submitted,

Dated: April 26, 2005

By:

Michael J. Bohn, Reg. No. 42,339

Customer Number  
23639  
PATENT TRADEMARK  
OFFICE

BINGHAM McCUTCHEN LLP  
Three Embarcadero, Suite 1800  
San Francisco, CA 94111-4067  
(714) 830-0600

CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Assistant Commissioner for Patents, Alexandria, VA 22313-1450.

EV 449193214 US  
Express Mail Label No.

4/26/05

Date of Deposit

OC/210973.1

04/28/2005 EFLORES 00000066 502518 09850202

03 FC:2251

60.00 DA

Jocelyn L. Lee

Name of Person Mailing Paper

Signature of Person Mailing Paper